

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TYSHON D. LAWS,

Plaintiff,

vs.

CAROLYN W. COLVIN,

Defendant.

Case No. 12-cv-652-DRH-CJP

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This matter is now before the Court on the parties' Stipulation to Remand.
(Doc. 23).

There are only two avenues for remanding a social security case. Remand can be ordered pursuant to sentence four or to sentence six of 42 U.S.C. § 405(g). A sentence four remand depends upon a finding of error, and is itself a final, appealable order. In contrast, a sentence six remand is for the purpose of receipt of new evidence, but does not determine whether the Commissioner's decision as rendered was correct. A sentence six remand is not an appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999).

Here, the parties stipulate that this case should be remanded pursuant to sentence four. In accordance with *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993), judgment will be entered in favor of plaintiff.

The Court notes that Mr. Laws applied for benefits in May, 2008, almost five years ago. The ALJ issued his decision in June, 2010. (Tr. 42-51). However, administrative remedies were not completed until March, 2012, when the Appeals Council denied review. (Tr.1). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this matter to the extent practicable.

For good cause shown, the parties' Stipulation to Remand (**Doc. 23**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Tyshon D. Laws' application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

Signed this 21st day of March, 2013.

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David R. Herndon
Date: 2013.03.21
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**DAVID R. HERNDON
CHIEF JUDGE**